

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 201742

71

ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 PM-04 DODE-00 JUSE-00 INR-07

INRE-00 /027 R

DRAFTED BY L/PM:AMSURENA:LLB

APPROVED BY EUR/NE:JJCROWLEY,JR.

NAVY/JAG - MR. T.E. LOHREY (SUBS)

JUSTICE: - MR. RISTAU

L/EUR - MR. GANTZ

L/PM - MR. MICHEL

EUR - MRS. SHIRLEY

----- 119672

O R 131922Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS IMMEDIATE

INFO AMCONSUL ANTWERP

AMCONSUL MUNICH

LIMITED OFFICIAL USE STATE 201742

E.O. 11652: N/A

TAGS: MILI, BE, WS

SUBJECT: USS ZELLARS-MV JAN BREUGHEL COLLISION IN
ANTWERP, JUNE 25, 1964

REFS: (A) BRUSSELS 1427

-- (B) EXCHANGE OF CORRESPONDENCE (NOTAL) BETWEEN
-- NAVY DEPT/JAG MR. T.E. LOHREY AND EMBASSY
-- BRUSSELS NAVAL ATTACHE

-- (C) BRUSSELS 7664

-- (D) BRUSSELS 7851

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 201742

1. EMBASSY IS AUTHORIZED TO RESPOND TO BELGIAN NOTE

REPORTED REFTELS WITH NOTE CONTAINING FOLLOWING POINTS:

(A) EMBASSY REGRETS DELAY IN RESPONDING TO BELGIAN NOTE, HOWEVER, DELAY WAS OCCASIONED BY THE NEED TO LOCATE AND EXAMINE THE DOCUMENTS PERTINENT TO THIS INCIDENT WHICH OCCURRED OVER TWELVE YEARS AGO; (B) EMBASSY IS ADVISED BY STATE DEPT. THAT IT IS CONCLUSION OF US NAVY AFTER EXAMINATION OF ALL AVAILABLE EVIDENCE THAT USS ZELLARS COMPLIED FULLY WITH ALL PORT REGULATIONS AND PROCEDURES AT TIME OF COLLISION WITH MV-JAN BREUGHEL, THAT USS

ZELLAR WAS NOT RPT NOT AT FAULT IN THE COLLISION AND THAT COLLISION WAS CAUSED BY MV - JAN BREUGHEL; (C) MARCH 1965 REPORT OF COMPETENT ANTWERP POST AUTHORITY, CAPTAIN BILDE, APPOINTED BY ANTWERP NAUTICAL COMMISSION, COURT OF COMMERCE, TO INVESTIGATE COLLISION, SHARES CONCLUSION THAT USS ZELLARS WAS WITHOUT FAULT AND ALSO SHARES CONCLUSION THAT COLLISION RESULTED FROM MV JAN BREUGHEL'S NAVIGATION FAULT -- NAMELY MV JAN BREUGHEL'S FAILURE TO REDUCE ITS SPEED AT THE TIME USS ZELLARS WAS OPERATING SWERVING MANEUVERS IN THE HARBOR BETWEEN THE STATE JETTY AND THE ST. ANN JETTY; (D) USG HAS NOT RPT NOT SOUGHT COMPENSATION FOR DAMAGES TO USS ZELLARS, WHICH WERE MINOR, AND FINDS NO BASIS UPON WHICH TO CONSIDER OFFERING COMPENSATION TO OWNERS OF THE JAN BREUGHEL; (E) IN THE LIGHT OF THESE FACTS AND CIRCUMSTANCES, DEPT IS PREPARED TO CONSIDER THE MATTER AS CLOSED.

2. BEGIN FYI. AS REFS A AND B INDICATE, BELGIAN COURTS HAVE, IN EFFECT, VACATED THE DEFAULT JUDGMENT AGAINST USG IN THIS MATTER. THIS HAS OCCURRED, UNDOUBTEDLY, BECAUSE USS ZELLARS, AS FOREIGN WARSHIP, WAS CONSIDERED IMMUNE FROM JURISDICTION OF BELGIAN MUNICIPAL COURTS. IT APPEARS DEFAULT JUDGMENT WAS ORIGINALLY ENTERED AGAINST USG SIMPLY BECAUSE USG FAILED TO MAKE AN APPEARANCE IN ORIGINAL PROCEEDINGS. BELGIAN COURT'S APPARENT FINDING OF LACK OF JURISDICTION DOES NOT RPT NOT MEAN, HOWEVER, THAT USG SHOULD REFUSE EXAMINE FACTS TO DETERMINE WHETHER USG NEGLIGENCE OR OTHER FAULT CAUSED COLLISION. IT IS IN USG INTEREST TO SEEK TO SETTLE ALL SUCH CLAIMS BY NEGOTIATION WHERE POSSIBLE. AS PARA 1 LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 201742

THIS MESSAGE STATES, FACTS ARE THAT USG WAS NOT AT FAULT IN COLLISION IN QUESTION, AND ACCORDINGLY IS NOT PREPARED TO OFFER ANY COMPENSATION TO HERBOSCH (OWNER OF MV JAN BREUGHEL).

3. AS PARA 1 THIS MESSAGE INDICATES, OUR (NAVY/JAG) RECORDS INDICATE THAT CAPTAIN DE BILDE'S REPORT WAS OFFICIAL ANTWERP PORT REPORT, DATED MARCH 1965. BEFORE

CONVEYING NOTE TO MFA, YOU SHOULD SEEK CONFIRM OFFICIAL NATURE OF HIS POSITION AND STANDING OF HIS REPORT. DEPT IS POUCHING TO NAVAL ATTACHE AMEMBASSY BRUSSELS COPY OF DE BILDE REPORT, AS WELL AS COPY OF JULY 27, 1964 LETTER FROM HERBOSCH COUNSELOR TO NAVAL ATTACHE AMEMBASSY BRUSSELS. THAT LETTER INDICATES OFFICIAL NATURE OF THE (THEN UNPREPARED) DE BILDE REPORT AND INDICATES HERBOSCH HAD KNOWLEDGE THAT REPORT WOULD BE PREPARED. END FYI.

4. ACTION REQUESTED. AMEMBASSY BRUSSELS SHOULD CONVEY

NOTE ALONG LINES PARA 1 THIS MESSAGE AFTER SEEKING CONFIRM STATUS DE BILDE REPORT. IF MFA REQUESTS, YOU SHOULD SHARE WITH THEM A COPY OF DE BILDE REPORT, AND YOU MAY GIVE ORALLY FURTHER DETAILS OF COLLISION AS REPORTED BY US NAVY INVESTIGATING OFFICER. LATTER INFORMATION CONTAINED IN LOHREY (JAG) - SURENA (L/PM) LETTER, DATED JULY 23, 1976, WHICH IS ALSO BEING POUCHED TO YOU.

5. DEPT REGRETS DELAY IN RESPONDING TO EMBASSY QUERY; HOWEVER, THE PERTINENT DOCUMENTS WERE NOT READILY AVAILABLE.

ROBINSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, DIPLOMATIC NOTES, SHIP ACCIDENTS, COURT DECISIONS, USS ZELLARS, JAN BRUGHEL M/V
Control Number: n/a
Copy: SINGLE
Draft Date: 13 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE201742
Document Source: CORE
Document Unique ID: 00
Drafter: AMSURENA:LLB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760312-0442
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760854/aaaabvdi.tel
Line Count: 140
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 BRUSSELS 1427
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by CunninFX>; APPROVED <12 AUG 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: USS ZELLARS-MV JAN BREUGHEL COLLISION IN ANTWERP, JUNE 25, 1964
TAGS: MILI, BE, WS, US
To: BRUSSELS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006